

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALPINE PCS INCORPORATED and
ALPINE PCS OPERATING, LLC,

Plaintiffs,

v.

Case No. 05-10222-BC
Hon. David M. Lawson

LUCENT TECHNOLOGIES, NINA
AVERSANO, JAY CARTER, CAROLYN
MCKENNA, WILLIAM PLUNKETT,
BENJAMIN BRATCHER, ELIZABETH
PERRICONE, CHARLES MANY,
SANDERCOCK TRANSFER 7 STORAGE
and JOHN DOES 1-50,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

On August 24, 2005, the plaintiff filed a complaint in this case under the signature of Robert F. Broz, who is identified in that document as the “president and sole shareholder” of Alpine PCS Incorporated. The Court issued an order on September 13, 2005 requiring the plaintiff to show cause why the complaint should not be stricken and the case dismissed because there was no indication that Mr. Broz is an attorney, and a corporation may not represent itself *pro se*.

On October 13, 2005, Mr. Broz filed a response to the show cause acknowledging that he is not an attorney. However, he has asked for additional time to respond to the show cause order because apparently he has not been able to hire an attorney to represent his company.

The Court believes that the thirty days previously allowed Mr. Broz to obtain an attorney is an adequate time to comply with the Court’s order to show cause. Although the plaintiff requests an additional forty-five days, the Court does not believe that request is reasonable under the

circumstances. It is the Court's intention, therefore, to dismiss the case without prejudice. A dismissal without prejudice will permit the plaintiff to re-file the complaint within the time prescribed by any applicable statute of limitations, and perhaps will allow Mr. Broz more latitude to obtain counsel of his choosing.

Accordingly, it is **ORDERED** that the complaint previously filed in this matter is **STRICKEN**. *See Ginger v. Cohn*, 426 F.2d 1385, 1386 (6th Cir. 1970).

It is further **ORDERED** that the matter is **DISMISSED** without prejudice.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 20, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 20, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS